

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

_____	)	
PHONE CHANTHAVONG and	)	
SAMMY CHANTHAVONG,	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 10-211 S
	)	
JOHN DOE CORPORATION	)	
d/b/a AMERICAN HOME MORTGAGE	)	
SERVICING, INC.,	)	
Defendant.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, United States District Judge.

Magistrate Judge David L. Martin filed a Report and Recommendation (R&R) on March 28, 2011 (ECF No. 24), recommending that the Court deny Defendant's Motion to Dismiss (ECF No. 20). The R&R further recommends that the Court order that Plaintiffs be precluded from claiming damages attributable to the denial of their application for a mortgage refinance which caused them to have to pay mortgage payments at an "unduly high rate" and that Plaintiffs' attorney be required to pay Defendant's attorney's fees attributable to the preparation of Defendant's Motion to Compel Responses to Request for Production of Documents and Interrogatories (ECF No. 19), Defendant's Motion to Dismiss (ECF No. 20), the Memorandum of Law in Support of American Home Mortgage Servicing, Inc.'s Motion to Dismiss

(ECF No. 21), the Supplemental Memorandum of Law in Support of American Home Mortgage Servicing, Inc.'s Motion to Dismiss (ECF No. 23), and attendance at the December 6 and 16, 2011 hearings (collectively, the "pertinent filings and hearings"). Having heard no objections, and having carefully reviewed the filings and the R&R, the Court ACCEPTS the Report & Recommendation, DENIES Defendant's Motion to Dismiss, and hereby ORDERS that Plaintiffs are precluded from claiming damages attributable to the denial of their application for a mortgage refinance and that Plaintiffs' attorney is required to pay Defendant's attorney's fees, as outlined above. Moreover, the Court directs Defendant's attorneys to file an affidavit delineating the fees and expenses related to the pertinent filings and hearings.

IT IS SO ORDERED.

/s/ William E. Smith

William E. Smith  
United States District Judge  
Date: May 4, 2012